



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0179

Introduced 1/14/2009, by Rep. Deborah L. Graham

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-9

Amends the Criminal Code of 1961. Provides that it is unlawful for any person to store or leave, within premises under his or her control, a firearm if the person knows or has reason to believe that a minor under the age of 18 (rather than 14) years who does not have a Firearm Owners Identification Card or who is not serving in the military is likely to gain access to the firearm without the lawful permission of the minor's parent, guardian, or person having charge of the minor unless the firearm is secured. Eliminates the provision that the person who stores or leaves the firearm is criminally liable only if the minor causes death or great bodily harm with the firearm. Provides that if the minor causes death or great bodily harm with the unlawfully stored firearm, the penalty is a Class A misdemeanor (rather than a Class C misdemeanor). Eliminates the provision that the firearm may be placed in some location that a reasonable person would believe would be secure from a minor.

LRB096 03294 RLC 13312 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 1961 is amended by changing
5 Section 24-9 as follows:

6 (720 ILCS 5/24-9)

7 Sec. 24-9. Firearms; minor protection ~~Child Protection.~~

8 (a) Except as provided in subsection (c), it is unlawful
9 for any person to store or leave, within premises under his or
10 her control, a firearm if the person knows or has reason to
11 believe that a minor under the age of 18 ~~14~~ years who does not
12 have a Firearm Owners Identification Card or who is not serving
13 in the military is likely to gain access to the firearm without
14 the lawful permission of the minor's parent, guardian, or
15 person having charge of the minor, ~~and the minor causes death~~
16 ~~or great bodily harm with the firearm,~~ unless the firearm is:

17 (1) secured by a device or mechanism, other than the
18 firearm safety, designed to render a firearm temporarily
19 inoperable; or

20 (2) placed in a securely locked box or container; or

21 (3) (blank) ~~placed in some other location that a~~
22 ~~reasonable person would believe to be secure from a minor~~
23 ~~under the age of 14 years.~~

1 (b) Sentence.

2 (1) Except as otherwise provided in paragraph (2) of
3 this subsection (b), a ~~A~~ person who violates this Section
4 is guilty of a Class C misdemeanor and shall be fined not
5 less than \$1,000. A second or subsequent violation of this
6 Section is a Class A misdemeanor.

7 (2) Except as provided in subsection (c), a person who
8 violates subsection (a) is guilty of a Class A misdemeanor
9 if a minor under the age of 18 causes death or great bodily
10 harm with the firearm stored or left in violation of this
11 Section.

12 (c) Paragraph (2) of subsection (b) ~~Subsection (a)~~ does not
13 apply:

14 (1) if the minor under 18 ~~14~~ years of age gains access
15 to a firearm and uses it in a lawful act of self-defense or
16 defense of another; or

17 (2) to any firearm obtained by a minor under the age of
18 18 ~~14~~ because of an unlawful entry of the premises by the
19 minor or another person.

20 (d) For the purposes of this Section, "firearm" has the
21 meaning ascribed to it in Section 1.1 of the Firearm Owners
22 Identification Card Act.

23 (Source: P.A. 91-18, eff. 1-1-00.)